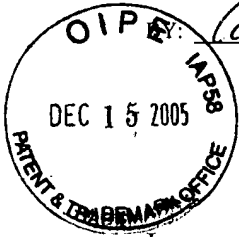


I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.



DATE: December 13, 2005

MAIL STOP AF

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application Of : Group Art Unit:  
Darwin J. Prockop, *et al.* : 1632  
Serial No.: 09/695,769 : Examiner:  
Filed: October 25, 2000 : Joanne Hama, Ph.D.  
For: ISOLATION AND EXPANSION OF : Attorney Docket No.:  
HUMAN MARROW STROMAL CELLS : **057616-5018US1**  
(46489-210075)

**PETITION FOR REVIVAL OF AN UNINTENTIONALLY  
ABANDONED APPLICATION PURSUANT TO 37 C.F.R. § 1.137(b)**

This Petition is hereby made to withdraw the holding of abandonment and revive the above-identified application. A Notice of Abandonment dated October 31, 2005, a Final Office Action dated March 24, 2005, a copy of a Revocation of Power of Attorney and Appointment of New Attorney received by facsimile at the USPTO on August 11, 2005, and a Notice Regarding Power of Attorney dated August 24, 2005 were received on November 1, 2005, along with correspondence from Examiner Hama. The Notice of Abandonment stated that Examiner Hama called Dr. Kathryn Doyle at Morgan, Lewis & Bockius, LLP on October 27, 2005 to request the status of the above-identified application. A representative of Morgan, Lewis & Bockius, LLP stated that Dr. Kathryn Doyle had left the firm. The Examiner was then forwarded to the voicemail of an Executive Assistant at Morgan, Lewis & Bockius, LLP to inquire as to the status of the present case. Examiner Hama received no response.

Applicants respectfully submit that the Office Action was not received by Applicants' undersigned representative ("Petitioner") until the above-noted facsimile was received from Examiner Hama on November 1, 2005. The undersigned left Morgan, Lewis & Bockius, LLP, whose name and address were listed on the Office Action, the Notice of

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Abandonment, and the Notice Regarding Power of Attorney in January of 2005 and began working at the present firm (Drinker, Biddle & Reath, LLP). A Revocation of Power of Attorney and Appointment of New Attorney was filed in the instant case on August 11, 2005, but was not accepted, as indicated by the Notice Regarding Power of Attorney referred to above. Petitioner's previous firm did not notify Petitioners of receiving the Office Action, nor did Petitioner's previous firm forward a copy of any correspondence from the USPTO to Petitioners at their present firm. Thus, Petitioner's first notice that an Office Action had been mailed in the present application, that the Revocation of Power of Attorney and Appointment of New Attorney was not accepted, and that the application had become abandoned was by virtue of Examiner Hama's correspondence on November 1, 2005. Petitioner's respectfully assert that the holding of abandonment should therefore be withdrawn under 37 C.F.R. §1.137(b). This Petition is being timely filed.

Pursuant to 37 C.F.R. § 1.137(b), the present petition is accompanied by:

1. A Reply to the Office Action mailed on March 24, 2005 along with a Petition for a Three-Month Extension of Time pursuant to 37 CFR §1.136(a).
2. The petition fee (\$750.00) as set forth in 37 C.F.R. § 1.17(m)
3. Petitioner's hereby state that the entire delay in filing the required Reply from the due date for the reply until the filing of the present grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.
4. The present application was not filed before June 8, 1995, and therefore, pursuant to 37 C.F.R. § 1.137(d), a terminal disclaimer is not required.


Accordingly, it is respectfully requested that the holding of abandonment of this application be withdrawn and the above-identified application (Application Serial No. 09/695,769) be reinstated.

Respectfully submitted,

**DARWIN PROCKOP, ET AL.**

December 13, 2005  
(Date)

By:

  
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JDGB

Enclosures: Response to Office Action mailed on March 24, 2005  
Petition for Three Month Extension of Time  
Revocation of Power of Attorney and Appointment of New Attorney by Assignee  
Notice of Appeal

